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STATE OF CALIFORNIA—HEALTH AND HUMAN SERVICES AGENCY
DEPARTMENT OF SOCIAL SERVICES
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EDMUND G. BROWN JR.
GOVERNOR

August 28, 2015

Nick Macchione, MS, MPH, FACHE, Director
San Diego County Health & Human Services Agency
1255 Imperial Avenue, Suite 446, MS W414
San Diego, CA 92101

Dear Mr. Macchione:

I want to take this opportunity to thank you and your staff for the cooperation and assistance provided to the reviewer from our office during the course of the Civil Rights Compliance Review of **August 11 - 15, 2014**. Enclosed is the final report on the review. We apologize for the delay.

There are some compliance issues (deficiencies) identified in the report, which will require the development of a Corrective Action Plan (CAP). Please submit your CAP within 60 days of this letter. Please address each deficiency and include steps and time lines for the completion of all corrective actions and recommendations listed in the enclosed report.

Please submit your CAP in both hardcopy and, in an effort to comply with ADA website accessibility, we also require the CAP to be submitted electronically as a Word document via email at crb@dss.ca.gov.

We will provide a copy of your report to any individual who makes a valid Public Records Act (PRA) request. Our reports are considered public documents under the PRA. Once we approve your CAP, it becomes a public document as well. In addition, these documents are published on our website at <http://www.cdss.ca.gov/civilrights/PG2890.htm>.

If you need technical assistance in the development of your CAP, please feel free to contact **Cindy Guzman** at (916) 654-2117. You may also contact her by e-mail at cindy.guzman@dss.ca.gov.

Sincerely,

Original signed by Bureau Chief

JIM TASHIMA, Chief
Civil Rights Bureau
Human Rights and Community Services Division

Enclosure

c: Jennifer Cooke, Civil Rights Coordinator

Kim McCoy Wade, Chief
CalFresh Policy Bureau

Carlos Ocampo, Chief
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Coalition of California Welfare Rights Organizations, Inc.

Antoinette Dozier
Western Center on Law and Poverty

**CIVIL RIGHTS COMPLIANCE REVIEW REPORT
FOR
San Diego County Health & Human Services Agency**

**Conducted on
August 11 – 15, 2014**

**California Department of Social Services
Human Rights and Community Services Division**

**Civil Rights Bureau
744 P Street, M.S. 8-16-70
Sacramento, CA 95814
(916) 654-2107**

Reviewer: Cindy Guzman

TABLE OF CONTENTS

- I. INTRODUCTION**
- II. SUMMARY OF METHODOLOGY**
- III. DISSEMINATION OF INFORMATION**
- IV. FACILITY ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES**
- V. PROVISION FOR SERVICES TO APPLICANTS AND RECIPIENTS WHO ARE NON-ENGLISH-SPEAKING OR WHO HAVE DISABILITIES**
- VI. DOCUMENTATION OF APPLICANT/RECIPIENT CASE RECORDS**
- VII. STAFF DEVELOPMENT AND TRAINING**
- VIII. DISCRIMINATION COMPLAINT PROCEDURES**
- IX. CIVIL RIGHTS COMPLIANCE PLAN REVIEW AND APPROVAL**
- X. COMMUNITY INPUT**
- XI. CONCLUSION**

CIVIL RIGHTS COMPLIANCE REVIEW REPORT

I. INTRODUCTION

The purpose of this review by the California Department of Social Services (CDSS) Civil Rights Bureau (CRB) staff was to assess the Sacramento County Department of Human Assistance with regard to its compliance with CDSS Manual of Policies and Procedures (MPP) Division 21 Regulations, and other applicable state and federal civil rights laws.

An on-site compliance review was conducted on **August 11 –15, 2014**. An exit interview was held on **August 15, 2014**, to review the preliminary findings.

The review was conducted in the following locations:

Name of Facility	Address	Programs	Non-English languages spoken by a substantial number of clients (5% or more)
Union Plaza Child Welfare Services	1320 Union Plaza Ct. Oceanside, CA	Children's Services- Emergency Child Protective Services (CPS)	Spanish
Union Plaza Family Resource Center	1315 Union Plaza Ct. Oceanside, CA	CalFresh, CalWORKs	Spanish
1255 Imperial Ave.	1255 Imperial Ave. San Diego, CA	Appeals Hearings Room & Vendor Contracts. (All Programs)	Spanish
5560 Overland Ave.	5560 Overland Ave. San Diego, CA	IHSS & APS	Spanish
9444 Balboa Ave.	9444 Balboa Ave. San Diego, CA	CalFresh Fraud Cases	Spanish
8765 Fletcher Parkway, 2nd Floor, La Mesa, CA	8765 Fletcher Parkway, La Mesa, CA	Call Center (All Programs)	Spanish

II. SUMMARY OF METHODOLOGY

In preparing for this review, CDSS staff completed the following tasks:

- Reviewed the 2010 Civil Rights Compliance Plan submitted by the County.
- Reviewed the civil rights discrimination complaint database for a complete listing of complaints filed against the County for the last year.
- Reviewed the previous Compliance Reviews and Corrective Action Plans submitted by the county.

Headquarters and on-site review procedures included:

- Interviews of public contact staff
- Survey of program managers
- Case file reviews
- Facility inspections
- Discussion with community advocate groups: In this review the following organization(s) were contacted for feedback. The following organizations responded to our request:

Gregory E. Knoll Esq., Executive Director/Chief Council
Legal Aid Society of San Diego, Inc.
110 South Euclid Avenue
San Diego, CA 92114

Each site/program was reviewed for compliance in the following areas:

- Dissemination of Information
- Facility Accessibility for Individuals with Disabilities
- Bilingual Staffing/Services for Non-English-Speaking Clients
- Accessibility for Clients with Visual or Hearing Impairments
- Documentation of Client Case Records
- Staff Development and Training
- Discrimination Complaint Procedures

Here is a summary of the sources of information used for the review:

Interviews Conducted of Public Contact Staff

Classifications	Total	Bilingual
Eligibility Workers	4	3
Children Social Workers	4	3
Adult Program Workers	3	2
Receptionist/Screeners	3	1
Total	14	9

Program Manager Surveys

Number of surveys distributed	4
Number of surveys received	4

Reviewed Case Files

English speakers' case files reviewed	115
Non-English or limited-English speakers' case files reviewed	108
Languages of clients' cases	Spanish, Russian, Vietnamese, Arabic, Tagalog, Portuguese, Chinese Cantonese, Assyrian, Farsi, ASL, Somali, English.

Sections III through VIII of this report contain specific Division 21 civil rights requirements and present field review findings regarding the county's compliance with each requirement. The report format first summarizes each requirement, then the actual review team findings, including appropriate comparisons. This format is an effort to validate the application of policies and procedures contained in the annual plan. Required corrective actions are stated at the end of each section.

Section IX reviews the county's compliance plan, and provides either approval of the plan as submitted, or lays out additional information to be submitted to gain approval.

Section X highlights issues pointed out by Community Input and summarizes Reviewer Observations.

Section XI of the report is reserved for a declaration of overall compliance.

III. DISSEMINATION OF INFORMATION

Counties are required to disseminate information about program or program changes and about how applicants and recipients are protected by the CDSS regulations (Division 21). This dissemination should occur through outreach and information to all applicants, recipients, community organizations, and other interested persons, including non- and limited-English speakers and those with impaired hearing or vision or other disabling conditions.

A. Findings

Access to Services, Information and Outreach	Yes	No	Some-times	Comments
Does the county accommodate working clients by flexing their hours or allowing applications to be mailed in?	X			Normal office hours are between 7:00 A.M. – 5:00 P.M. Online applications can be submitted through ACCESS. Clients can also mail in applications.
Does the county have extended hours to accommodate clients?	X			Normal office hours begin at 7:00 A.M. – 5:00 P.M.
Can applicants access services when they cannot go to the office?	X			ACCESS Call Center is available for clients. County workers are staffed at the call center where clients can call in and talk to a worker regarding client benefits status and other questions. Applicants can access services through the county website www.C4yourself.com
Does the county ensure the awareness of available services for individuals in remote areas?	X			The County does outreach through radio announcements, the county website and other advertisements regarding community events, food banks, and farmers markets. The county provides workers in the Frazier Park area.

Signage, posters, pamphlets	Yes	No	Some-times	Comments
Does the county use the CDSS pamphlet “Your Rights Under	X			

Signage, posters, pamphlets	Yes	No	Sometimes	Comments
California Welfare Programs” (Pub 13 – 6/11)?				
Is the pamphlet distributed and explained to each client at intake and re-certification?	X			
Is the current version of Pub 13 was available in Arabic, Armenian Cambodian, Chinese, English, Farsi Hmong, Japanese, Korean, Lao Mien, Portuguese, Punjabi, Russian Spanish, Tagalog, Ukrainian, and Vietnamese.	X			Pub 13 was displayed in all languages.
If the PUB 13 is not displayed in all the languages available, is there a poster that indicates that the Pub 13 is available in all 18 languages?	N/A			Pub 13 was displayed in all languages.
Was the Pub 13 available in large print (English and Spanish), audiocassette and Braille?	X			
Were the current versions of the required posters present in the lobbies?	X			
Did the workers know the location of the required posters with the Civil Rights Coordinator’s name and address?	X			
Were there instructional and directional signs posted in waiting areas and other places frequented by a substantial number of non-English-speaking clients translated into appropriate languages?	X			

B. Corrective Actions

None.

The county is required to use the latest version of each of the referenced documents. For your information, the most recent version for each of the above referenced documents is:

Pub 13	"Your Rights under California Welfare Programs"	06/11
Pub 86	"Everyone is Different, but Equal Under the Law"	03/07
Form AD 475B	"And Justice for All"	12/99

Contact the Civil Rights Bureau to receive the most recent versions, or download the Pub 13 from the CRB website

<http://www.cdss.ca.gov/civilrights/entres/forms/English/pub13.pdf>.

IV. FACILITY ACCESSIBILITY FOR INDIVIDUALS WITH DISABILITIES

The Americans with Disabilities Act (ADA) requires public accommodations to provide goods and services to people with disabilities on an equal basis with the rest of the general public. The goal is to afford every individual the opportunity to benefit from the services available. The federal regulations require that architectural and communication barriers that are structural must be removed in public areas of existing facilities when their removal is readily achievable; in other words, easily accomplished and able to be carried out without much difficulty or expense.

The facility review is based on four priorities supported by the ADA regulations for planning achievable barrier removal projects. The priorities include ensuring accessible approach and entrance to the facility, access to goods and services, access to restrooms, and any other measures necessary.

Note that the references to the Americans with Disabilities Act Accessibility Guidelines (ADAAG) in the Corrective Action column refer to the federal Standards for Design. Title 24 of California Code and Regulations (T24 CCR) is also cited because there are instances when California state law is stricter than ADAAG specifications.

The county must ensure that programs and activities are readily accessible to individuals with disabilities. This includes building accessibility and availability of accessible parking as well as accessibility of public telephones and restrooms.

Regulations cited are from the Title 24, California Code of Regulations (T24 CCR) and ADAAG.

A. Findings and Corrective Actions

1. Facility Location: 1320 Union Plaza Ct., Oceanside, CA

There were no findings at this facility.

2. Facility Location: 1315 Union Plaza Ct., Oceanside, CA

Facility Element	Findings	Corrective Action
Water fountain	Water Fountain Spout too high at 39"	Spout outlets shall be 36" max. Above the finish floor or ground. (CA T24 11B-602.4) (ADA 602.4) pg. 303
Restroom	Paper towel dispenser too high at 44"	Where towel or sanitary napkin dispensers, waste receptacles, or other accessories are provided in toilet facilities, at least one of each type shall be located on an accessible route. (CA T24 11B-603.5) pg. 319 All operable parts, including coin slots, shall be 40" max. Above the finish floor. (CA T24 11B-603.5) pg. 319

3. Facility Location: 1255 Imperial Drive, San Diego, CA

There were no findings at this facility.

4. Call Center Location: 8765 Fletcher Parkway, 2nd Floor,

During this compliance review the Analyst was given a tour of the San Diego County Call Center located at 8765 Fletcher Parkway, 2nd Floor, La Mesa, CA. The Analyst observed the workers, and the systems they utilize. There is no public access for clients at this facility. All ACCESS call agents are Human Services Specialists (HSS), the same as the brick-and-mortar Family Resource Centers. All agents are expected to review for special indicators for each case, which is part of the training for all HSS's.

When the caller calls in to ACCESS, they are utilizing assistive technology or interpreter services. If needed, call agents can access the TDD line. Callers select menu options to indicate the language they need and calls are routed accordingly. The Call Center vendor is Language Line Services, Inc.

All Call Center HSS workers are trained in Civil Rights and all types of customer complaints upon initial hiring with HHSA. They receive refresher training on an annual basis. All new HSS staff receives Embracing Diversity, Encouraging Respect Training. There are also a variety of different cultural awareness trainings available on individual populations through the knowledge Center of HHSA. Complaints are elevated to internal Call Center Civil Rights Liaison, who reviews and tracks complaints and forwards to the Civil Rights Coordinator Jennifer Cooke.

V. PROVISION FOR SERVICES TO APPLICANTS AND RECIPIENTS WHO ARE NON-ENGLISH-SPEAKING OR WHO HAVE DISABILITIES

Counties are required by Division 21 to ensure that effective bilingual/interpretive services are provided to serve the needs of the non-English-speaking population and individuals with disabilities without undue delays. Counties are required to collect data on primary language and ethnic origin of applicants/recipients (identification of primary language must be done by the applicant/recipient).

Using this information, a county may determine 1) the number of public contact staff necessary to provide bilingual services, 2) the manner in which they can best provide interpreter services without bilingual staff and 3) the language needs of individual applicants/recipients. Counties must employ an appropriate number of certified bilingual public contact employees in each program and/or location that serves a substantial number of non-English-speaking persons. In offices where bilingual staff are not required because non-English-speaking persons do not represent a substantial number, counties must provide effective bilingual services through interpreter or other means.

Counties must also provide auxiliary aids and services, including Braille material, taped text, qualified interpreters, large print materials, telecommunication devices for the deaf (TDD's), and other effective aids and services for persons with impaired hearing, speech, vision or manual skills. In addition, they must ensure that written materials be available in individuals' primary languages when the forms and materials are provided by CDSS, and that information inserted in notices of action (NOA) be in the individuals' primary language.

A. Findings from Program Manager Surveys, Staff Interviews and Case File Reviews

Question	Yes	No	Some-times	Comments
Does the county identify a client's language need upon first contact? How?	X			The clients receive the Language Needs Form 20-46 at intake.
Does the county use a primary language form?	X			Language Needs Form 20-46.
Does the client self-declare on this form?	X			
Are non-English- or limited- English-speaking clients provided bilingual services?	X			
After it has been determined that the client is limited-English or non-English speaking, is there a county process for procuring an interpreter?	X			Clients are assigned to a bilingual worker according to their selected preferred language. Staff utilizes the on-line bilingual lists for client's needs. If there is no staff available who speaks the client's language, they will request an interpreter from the language line.
Is there a delay in providing services?		X		
Does the county have a language line provider, a county interpreter list, or any other interpreter process?	X			The county has two bilingual lists that are used to determine HHSA staff members who speak a language other than English; however the county also utilizes professional interpretation and translation services from their paid vendors. This is to ensure maximum accuracy as well as promptness of service.
Are county interpreters determined to be	X			There are two bilingual lists that are used to determine HHSA

Question	Yes	No	Some-times	Comments
competent?				staff members who speak a language other than English. 1) Bilingual Paid HHSA Employees. 2) Self-Identified Language Skills for HHSA Employees. Only certified ASL interpreters are utilized by staff.
Does the county have adequate interpreter services?	X			The county has responded with an increase in Arabic-speaking bilingual staff. Refugees from Iraq continue to make up the largest percentage of those arriving in San Diego. However, Somalia has also provided 4% of San Diego County refugee arrivals in Fiscal Year 12-13 and 7% of arrivals in FY 13-14. As a result, numbers of Somali-speaking bilingual staff have increased in the Northeast and North Central Family Resource Centers.
Does the county allow minors to be interpreters? If so, under what circumstances?		X		Only in an emergency situation for basic contact, or to reschedule an appointment.
Does the county allow the client to provide his or her own interpreter?	X			
Does the county ensure that the client-provided interpreter understands what is being interpreted for the client?	X			
Does the county use the CDSS-translated forms in the clients' primary languages?	X			

Question	Yes	No	Some-times	Comments
Is the information that is to be inserted into NOA translated into the client's primary language?	X			
Does the county provide auxiliary aids and services, TDD's and other effective aids and services for persons with impaired hearing, speech, vision or manual skills, including Braille material, taped text, large print materials (besides the Pub 13)?	X			Only certified ASL interpreters are utilized by staff. While there are several HHSA employees that have attained certification for ASL interpretation, policy continues to dictate that the professional agency Deaf Community Services is the first point of contact for this purpose. Only in emergency situations are HHSA employees used for ASL interpretation until professional interpretation can be arranged. Aid types included are explicitly listed are video Relay Services for customers with hearing impairments. Large print, magnifying, and audio is available for those customers who are visually impaired or blind.
Does the county identify a client with a disability (physical, mental, or learning)?	X			This is done in the Welfare to Work Program.
Does the county provide reasonable accommodations to clients with a disability (physical, mental, or learning)?	X			The county provides the following: <ul style="list-style-type: none"> • Audio text; • Teletypewriter Services (TTY); • Video Relay Services (VRS); • Large print materials; • Forms completion services; • Sign Language Interpretation; or

Question	Yes	No	Some-times	Comments
				<ul style="list-style-type: none"> Referrals for services to community organizations that can provide prompt and effective services without undue delays. Other means, such as reading a form to an applicant/recipient, and to narrate the action taken in case comments.
Does the county identify and assist the client who has learning disabilities or a client who cannot read or write?	X			Referrals for services to community organizations that can provide prompt and effective services without undue delays. Other means, such as reading a form to an applicant/recipient, and to narrate the action taken in case comments.
Does the county offer screening for learning disabilities?	X			In the Welfare to Work Program.
Is there an established process for offering screening?	X			In the Welfare to Work Program.
Is the client identified as having a learning disability referred for evaluation?	X			Referrals for services to community organizations that can provide prompt and effective services without undue delays. Other means, such as reading a form to an applicant/recipient, and to narrate the action taken in case comments.

B. Corrective Actions

None.

VI. DOCUMENTATION OF APPLICANT/RECIPIENT CASE RECORDS

Counties are required to ensure that case records document applicant's/recipient's ethnic origin and primary language, the method used to provide bilingual services, information that identifies an applicant/recipient as disabled, and an applicant's/recipient's request for auxiliary aids and services.

A. Findings from Case File Reviews and Staff Interviews

Documented Item	CalWorks (Child Care)	Adult Programs (IHSS & APS)	CalWORKs & Employment Services	Non-Assistance CalFresh
Ethnic origin documentation	CMS-CWS	SOC 295	CalWIN Individual Demographic.s	SAWS 1, CalWIN
Primary language documentation	CMS-CWS	Needs Assessment Sheet, Form 20-46.	CalWIN Case Summary, Form 20-46.	CalWIN case information page, Form 20-46.
Method of providing bilingual services and documentation	Documented in case notes.	Documented in case narratives.	Documented in case comments.	Documented in case comments.
Client provided own interpreter	None found in cases reviewed.	Noted in case comments.	Noted in case comments.	Noted in case comments.
Method to inform client of potential problem using own interpreter	Explained to client, and given the Form 20-49.	Form 20-49. Explained to client, and given the Form 20-49.	Form 20-49. Explained to client, and given the Form 20-49.	Explained to client, and given the Form 20-49.
Release of information to Interpreter	Form 20-49.	Form 20-49.	Form 20-49.	Form 20-49.
Individual's acceptance or refusal of written material offered in primary language	Form 20-46.	Form 20-46.	Form 20-46.	Form 20-46.

Documented Item	CalWorks (Child Care)	Adult Programs (IHSS & APS)	CalWORKs & Employment Services	Non-Assistance CalFresh
Documentation of minor used as interpreter	Documented in case notes.	None found in cases reviewed.	None found in cases reviewed.	None found in cases reviewed.
Documentation of circumstances for using minor interpreter temporarily	Documented in case notes.	None found in cases reviewed.	None found in cases reviewed.	None found in cases reviewed.
Method of identifying client's disability	CMS-CWS	Documented in case narratives.	Documented in case narratives.	Documented in case narratives.

B. Corrective Actions

Areas of Action	Corrective Action
General	San Diego County must ensure that proper documentation is kept in the file that identifies all the required elements to ensure compliance. Div. 21-116

VII. STAFF DEVELOPMENT AND TRAINING

Counties are required to provide civil rights and cultural awareness training for all public contact employees, including familiarization with the discrimination complaint process and all other requirements of Division 21. The training should be included in orientation, as well as the continuing training programs.

A. Findings

Interview questions	Yes	No	Some-times	Comments
Do employees receive continued Division 21 Training?	X			All employees interviewed stated they have had Division 21 training.

Do employees understand the county policy regarding a client's rights and procedure to file a discrimination complaint?	X			
Does the county provide employees Cultural Awareness Training?	X			All employees interviewed stated they have had Cultural Awareness Training.
Do the CSW's have an understanding of MEPA (Multi-Ethnic Placement Act)?	X			
Do the employees seem knowledgeable about the predominant cultural groups receiving services in their area?	X			

C. Corrective Actions

None.

VIII. DISCRIMINATION COMPLAINT PROCEDURES

Counties are required to maintain a process for addressing all complaints of discrimination. They must track complaints of discrimination through the use of a control log in which all relevant information is kept, including when the complaint was received, the name of the complainant, identifying numbers and programs, basis of discrimination, and resolution. It is usually the Civil Rights Coordinator responsibility to maintain this log.

A. Findings from Staff Interviews and Program Manager Surveys

Interview and review areas	Yes	No	Some-times	Findings
Can the employees easily identify the difference between a program, discrimination, and a personnel complaint?	X			All staff interviewed could identify the difference between program discrimination, and a personnel complaint.

Interview and review areas	Yes	No	Some-times	Findings
Did the employees know who the Civil Rights Coordinator is?	X			All staff interviewed could identify who the Civil Rights Coordinator is.
Did the employees know the location of the Civil Rights poster showing where the clients can file a discrimination complaint?	X			
When reviewing the complaint log with the Civil Rights Coordinator, was it complete and up to date?	X			
Is the County utilizing correct correspondence to address the final results to the complainant after the investigation is completed?	X			

D. Corrective Action

None.

IX. COMMUNITY INPUT

As a part of this review, and as noted in Section II, feedback was sought from community and advocate groups. The following summarizes their observations, and will provide issues that the county management team can address to improve their operations from a civil rights perspective.

A. There was not a reply from the Advocates notified for this review.

X. CIVIL RIGHTS COMPLIANCE PLAN REVIEW AND APPROVAL

The San Diego County Health and Human Services Civil Rights Compliance Plan for the period 2013 – 2014, was received on July 14, 2014. It is approved as submitted.

XI. CONCLUSION

The CDSS reviewer found the San Diego Health and Human Services Agency staff warm, welcoming, informative and very supportive. Particular thanks to Jennifer Cooke, Civil Rights Coordinator, for organizing the details of the review. In each District Office, staff was very helpful with the facility reviews, case reviews, and computer assistance.

The CDSS found the San Diego County Health and Human Services Agency in substantial compliance with CDSS Division 21 Regulations, and other applicable state and federal laws. County staff continues to reflect a commitment similar to that expressed by management with respect to ensuring access, assistance, and compliance.

The San Diego Health and Human Services Agency must remedy the deficiencies identified in this report by taking corrective actions. A corrective action plan must be received by CDSS within 60 days of the date of the cover letter to this report; and the plan must include a schedule of all actions that will be taken to correct the deficiencies, and an indication of who will be responsible for implementing the corrective action.

It is our intent that this report be used to create a positive interaction between the county and CDSS in identifying and correcting compliance violations and to provide the county with an opportunity to implement corrective action to achieve compliance with Division 21 regulations. Civil Rights staff is available to provide technical assistance as requested.